

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 1954 of 2007(G)

PETITIONER:

**JAYAN PETER, MUPPARAPPALIYIL HOUSE,
P.O.VALIYANNOOR, KOTTAYAM.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT:

**THE REGIONAL TRANSPORT OFFICER,
KOTTAYAM.**

BY GOVERNMENT PLEADER SMT. RENU D.P.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WPC.NO.1954/2007 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE CHECK REPORT DTD. 29/12/2006.

**EXT.P2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE RESPONDENT.**

**EXT.P3: COPY OF THE JUDGMENT IN WP(C) NO.24930/2004 DTD.
23/08/2004 OF THIS HON'BLE COURT.**

/TRUE COPY/

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.1954 OF 2007-G

Judgment

The petitioner is the registered owner of the stage carriage KL-5/J-3798. He has been served with Ext.P1 check report, alleging that he unauthorisedly operated the vehicle, while enjoying tax exemption, which was granted on the ground that the vehicle is not road worthy and it is garaged. The petitioner denies the allegation. He filed Ext.P2 reply to Ext.P1. But, the respondent has seized the vehicle and has entrusted it to the local Police Station. The petitioner seeks to quash Ext.P1 and also prays for a direction to release the vehicle.

2. The respondent has filed a counter affidavit, reiterating the contentions in Ext.P1 and also stating that the vehicle is now in the safe custody of the local Police.

3. The prayer to quash Ext.P1 cannot be granted. But, the vehicle shall be released to the petitioner on producing the necessary documents to show that he is the registered owner of it. But, this direction will not affect the powers of the respondents to proceed against the vehicle, if it is operated without paying tax and also against the petitioner, based on Ext.P1.

The Writ Petition is disposed of as above.

30.01.2007

K.BALAKRISHNAN NAIR,JUDGE

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